

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

ANGELINA FLORES

§

§

§

VS.

§

CIVIL ACTION NO.: \_\_\_\_\_

§

STATE FARM LLOYDS

§

**(JURY DEMANDED)**

<b>PETITION PROVIDING NOTICE OF REMOVAL</b>
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TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendant **STATE FARM LLOYDS** (“State Farm”), pursuant to 28 U.S.C., §1446, filing this its *Petition Providing Notice of Removal* and for cause as follow:

**I.**

Plaintiff **ANGELINA FLORES** instituted this civil action against Defendant **STATE FARM LLOYDS** in the 93rd District Court of Hidalgo County, Edinburg, Hidalgo County, Texas. True copies of the process and pleadings from the state court litigation are contemporaneously filed.

**II.**

This action is properly removable under 28 U.S.C., §1441(a) because the United States District Court has original jurisdiction pursuant to 28 U.S.C., §1332(a). This action is timely removable pursuant to 28 U.S.C., §1446(b). Defendant first received notice of this suit when it was served with Citation on August 22, 2016 and this removal petition is filed within 30 days thereafter.

### III.

The Plaintiff is a natural person and resident of the State of Texas. Defendant State Farm Lloyds is an association of underwriters, whose citizenship for traditional diversity purposes is defined by the citizenship of its underwriters. See *Cronin v. State Farm Lloyds*, No. 08-1983, 2008 WL 4649653 (S.D. Tex. Oct. 10, 2008). None of Defendant State Farm Lloyds' underwriters are citizens of Texas. "State Farm Lloyds is a domestic 'Lloyds Plan' unincorporated association of members, as contemplated by Texas law." *Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp., 568, 569 (S.D. Tex. 1998); see *Royal Ins Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882, 883 (5th Cir. 1993), citing *Carden v. Arkoma Assoc.*, 494 U.S. 185 (1990). "[F]or purposes of determining whether diversity jurisdiction exists, we conclude the members of a Lloyds group are the underwriters alone." *Massey*, 993 F. Supp. at 569. Full

### IV.

Plaintiff's suit petition ("Complaint") pleads insurance contract and claim handling causes of action allegedly arising from a storm event on or about August 15, 2015. Plaintiff's Complaint, ¶ 1.3, recites that Plaintiff seeks monetary damages "aggregating \$100,000 or less." The Complaint is replete with numbered paragraphs setting forth various vague common law and statutory causes of action, seeking monetary recovery for actual, economic, statutory "additional" damages, and attorney's fees. Plaintiff's pleading fails to plead her "maximum" damages, including attorney's fees, as required by Rule 47 of Texas Rules of Civil Procedure. The amount in controversy satisfies the "threshold" requirements of 28 U.S.C., §1332(a). Defendant exercises timely removal jurisdiction.

### V.

Notice of Removal to the United States District Court has been provided to the 93rd

District Court of Hidalgo County, Edinburg, Hidalgo County, Texas, from which this suit originated and to counsel for Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Lloyds prays that this action be removed to the United States District Court for the Southern District of Texas, McAllen Division; that it be afforded judgment; and, for such other and further relief that it may be entitled.

Respectfully submitted,

**ADAMS & GRAHAM, L.L.P.**

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Counsel for *Defendant*, STATE FARM LLOYDS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to the following counsel of record on this the 21<sup>st</sup> day of September, 2016:

Christopher D. Bertini  
**THE BERTINI LAW FIRM, P.C.**

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*Counsel for Plaintiff Angelina Flores*

*VIA E-MAIL: [cbertini@bertinilaw.com](mailto:cbertini@bertinilaw.com)*

/s/ Scott T. Clark

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